

## **REMARKS**

### **1. Preliminary Remarks**

Claims 1 to 6 are pending in this application. In the Office Action of August 11, 2005, claims 1-6 were rejected under 35 U.S.C. §102 as anticipated by the prior art. The Examiner also objected to informalities in the disclosure and to the absence of reference signs in the drawings. Applicants respectfully request reconsideration of the application in view of the present amendments and remarks.

### **2. Objection to Informalities in the Disclosure**

The Examiner objected to the disclosure because of two informalities. First, the Examiner stated that the phrase “pieces cold be” was incomprehensible. As suggested by the Examiner, the disclosure has been amended to correct this typographical error so that it reads “pieces could be”. Second, the Examiner stated that two different descriptions were used for the reference character 10, in that it was described as “a plate” and as “a sample holder”. Applicants submit that both of these terms are appropriate and accurate in context, but to avoid any possibility of confusion, Applicants have deleted the appearance of the reference character “10” after the term “plate” on page 2. These amendments are for clarification only and do not substantively change the disclosure.

### **3. Objection to the Drawings**

The Examiner objected to the drawings because they did not include reference signs mentioned in the description. Applicants are submitting corrected drawing sheets for the drawings with the reference signs included. No new matter is added by the replacement sheets, since the reference signs were disclosed in the specification.

The Examiner also stated that Applicants were required to furnish a drawing to illustrate the apparatus disclosed on page 9, example 2. Applicants submit that the apparatus is readily understandable from the specification and no drawing is required to understand the apparatus. However, for clarification and to facilitate understanding of the apparatus, Applicants are submitting new Figure 3. Figure 3 illustrates a base plate that is tapered to provide a two-plane top surface. One plane is horizontal and one plane is angled five degrees down with respect to the horizontal plane. A set of 96 powdered samples is disposed on the planes, making a 4 x 12 array on each plane. No new matter is added to the application by new Figure 3, since Figure 3 merely illustrates a base plate as described on page 9, example 2, of the application.

The Examiner also stated that the curved surface of claim 2 must be shown or the features cancelled from the claims. Applicants are submitting new Figure 4, which illustrates a sample holder for x-ray diffraction analysis comprising a curved surface suitable for holiday samples. No new matter is added by new Figure 4, since it merely illustrates a sample holder described by original claim 2.

### **4. Rejection Under 35 U.S.C. §102(b)**

The Examiner has rejected pending claims 1-6 under 35 U.S.C. §102(b). No other rejections have been made. More specifically, claims 1 and 4 stand rejected as being anticipated by Hodges et al. (U.S. Patent No. 4,120,584); claims 2 and 5 stand rejected under 102(b) as being anticipated by Mack (U.S. Patent No. 3,148,275); and claims 3 and 6 stand rejected under Schipper (U.S. Patent No. 6,111,930). For the reasons set forth below, Applicants traverse the Examiner's rejections.

Hodges teaches an apparatus which has a plurality of holders for analysis, "S", called an "analytical surface." (Col. 3, line 59). Figure 3 of Hodges shows that the individual holders within the analytical surface are located parallel to one another. Thus, the angle between the holders in the analytical surfaces is zero degrees. According to figure 3, the surface, S, sits on the center of a platform that has angled sides upon which sit clamps "C". Thus, the analytical surface sits at a non-zero angle with respect to the surfaces upon which clamps C rest. The clamp surfaces are not, however, analytical surfaces. Thus, samples are not placed nor analyzed on those surfaces. By comparison, Applicants' claim 1 is directed to a sample holder for x-ray diffraction analysis having multiple surfaces that are at "nonzero angles relative to one another." (page 3, claim 1). Further, the specification plainly teaches that the surfaces of Applicants' sample holder are to be used for analysis (e.g., example 1, paragraph 25). Thus, Hodges does not anticipate claim 1. Similarly, Applicants' claim 4, directed to a method of x-ray diffraction analysis comprising analyzing samples disposed in a sample holder of claim 1, is not anticipated by Hodges. Accordingly, Applicants respectfully traverse the Examiner's rejection of claims 1 and 4.

Mack teaches a sample specimen holder on a curved surface. However, the Mack invention is limited to a single specimen holder. Thus, only a single sample may be analyzed in the Mack holder. By comparison, the instant application teaches that diffraction analysis may be performed on multiple samples (see paragraph 5; paragraph 12). This beneficial feature is not disclosed by Mack. Indeed, claim 2 is directed to a sample holder wherein the curved surface is "suitable for holding samples." The Mack teachings are not suitable for more than one sample. Thus, Mack does not anticipate claim 2, nor does it anticipate claim 5 which is directed to a method of x-ray diffraction analysis comprising the step of analyzing samples disposed in the sample holder of claim 2. Accordingly, Applicants respectfully traverse the Examiner's rejection of claims 2 and 5.

Schipper teaches a sample holder with a plurality of removable sample holders. The removable sample holders sit at zero degrees with respect to each other on the same plane. Applicants have amended claim 3 such that the removable individual sample holders are disposed within a frame having a multi-plane surface and, therefore, Schipper does not anticipate claim 3. Support for this amendment can be found, for example, at paragraph 14. Claim 6 is directed to a method of x-ray diffraction analysis comprising analyzing samples disposed in the sample holder of claim 3 and, therefore, claim 6 is not anticipated by Schipper. Accordingly, Applicants respectfully traverse the Examiner's rejection of claims 3 and 6.

## **Conclusion**

The Commissioner is authorized to charge any required fees for this submission to Deposit Account No. 13-0017 in the name of McAndrews, Held & Malloy, Ltd.

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Examiner John M. Corbett

In view of the foregoing remarks, Applicant submits that claims 1-6 are allowable. The Examiner is invited to telephone the applicants' undersigned attorney at (312) 775-8202 if any unresolved matters remain.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael B. Harlin", written over a horizontal line.

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